

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR

SENATE BILL NO. 654

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KENNEDY.

Offered April 17, 2007.

Senate Substitute adopted, April 17, 2007.

Taken up for Perfection April 17, 2007. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

2563S.04P

AN ACT

To repeal sections 84.120, 84.170, and 590.040, RSMo, and to enact in lieu thereof three new sections relating to the St. Louis board of police commissioners.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 84.120, 84.170, and 590.040, RSMo, are repealed and
2 three new sections enacted in lieu thereof, to be known as sections 84.120, 84.170,
3 and 590.040, to read as follows:

84.120. 1. No person shall be appointed or employed as policeman,
2 turnkey, or officer of police who shall have been convicted of, or against whom
3 any indictment may be pending, for any offense, the punishment of which may be
4 confinement in the penitentiary; nor shall any person be so appointed who is not
5 of good character, or who is not a citizen of the United States, or who is not able
6 to read and write the English language, or who does not possess ordinary physical
7 strength and courage. The patrolmen and turnkeys hereafter appointed shall
8 serve while they shall faithfully perform their duties and possess mental and
9 physical ability and be subject to removal only for cause after a hearing by the
10 boards, who are hereby invested with the [exclusive] jurisdiction in the premises.

11 **2. The board shall have the sole discretion whether to delegate**
12 **portions of its jurisdiction to hearing officers. The board shall retain**
13 **final and ultimate authority over such matters and over the person to**
14 **whom the delegation may be made. In any hearing before the board**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 under this section, the member involved may make application to the
16 board to waive a hearing before the board and request that a hearing
17 be held before a hearing officer.

18 3. Nothing in this section or chapter shall be construed to
19 prohibit the board of police commissioners from delegating any task
20 related to disciplinary matters, disciplinary hearings, or any other
21 hearing or proceeding which could otherwise be heard by the board or
22 concerning any determination related to whether an officer is able to
23 perform the necessary functions of the position. Tasks related to the
24 preceding matter may be delegated by the board to a hearing officer
25 under the provisions of subsection 4 of this section.

26 4. (1) The hearing officer to whom a delegation has been made
27 by the board may, at the sole discretion of the board, perform certain
28 functions, including but not limited to the following:

29 (a) Presiding over a disciplinary matter from its inception
30 through to the final hearing;

31 (b) Preparing a report to the board of police commissioners; and

32 (c) Making recommendations to the board of police
33 commissioners as to the allegations and the appropriateness of the
34 recommended discipline.

35 (2) The board shall promulgate rules, which may be changed
36 from time to time as determined by the board, and shall make such
37 rules known to the hearing officer or others.

38 (3) The board shall at all times retain the authority to render the
39 final decision after a review of the relevant documents, evidence,
40 transcripts, videotaped testimony, or report prepared by the hearing
41 officer or others to whom the board has made such allegations.

42 5. Hearing officers shall be selected in the following manner:

43 (1) The board shall establish a panel of not less than five
44 persons, all who are to be licensed attorneys in good standing with the
45 Missouri Bar. The composition of the panel may change from time to
46 time at the board's discretion;

47 (2) From the panel, the relevant member or officer and a police
48 department representative shall alternatively and independently strike
49 names from the list with the last remaining name being the designated
50 hearing officer. The board shall establish a process to be utilized for
51 each hearing which will determine which party makes the first strike

52 **and the process may change from time to time;**

53 **(3) After the hearing officer is chosen and presides over a**
54 **matter, such hearing officer shall become ineligible until all hearing**
55 **officers listed have been utilized, at which time the list shall renew,**
56 **subject to officers' availability.**

84.170. 1. When any vacancy shall take place in any grade of officers, it
2 shall be filled from the next lowest grade; provided, however, that probationary
3 patrolmen shall serve at least six months as such before being promoted to the
4 rank of patrolman; patrolmen shall serve at least three years as such before being
5 promoted to the rank of sergeant; sergeants shall serve at least one year as such
6 before being promoted to the rank of lieutenant; lieutenants shall serve at least
7 one year as such before being promoted to the rank of captain; and in no case
8 shall the chief or assistant chief be selected from men not members of the force
9 or below the grade of captain. Patrolmen shall serve at least three years as such
10 before promotion to the rank of detective; the inspector shall be taken from men
11 in the rank not below the grade of lieutenant.

12 2. The boards of police are hereby authorized to make all such rules and
13 regulations, not inconsistent with sections 84.010 to 84.340, or other laws of the
14 state, as they may judge necessary, for the appointment, employment, uniforming,
15 discipline, trial and government of the police. The said boards shall also have
16 power to require of any officer or policeman bond with sureties when they may
17 consider it demanded by the public interests. All lawful rules and regulations of
18 the board shall be obeyed by the police force on pain of dismissal or such lighter
19 punishment, either by suspension, fine, reduction or forfeiture of pay, or
20 otherwise as the boards may adjudge.

21 **3. The authority possessed by the board of police includes, but**
22 **is not limited to, the authority to delegate portions of its powers**
23 **authorized in section 84.120, including presiding over a disciplinary**
24 **hearing, to a hearing officer as determined by the board.**

590.040. 1. The POST commission shall set the minimum number of
2 hours of basic training for licensure as a peace officer no lower than four hundred
3 seventy and no higher than six hundred, with the following exceptions:

4 (1) Up to one thousand hours may be mandated for any class of license
5 required for commission by a state law enforcement agency;

6 (2) As few as one hundred twenty hours may be mandated for any class
7 of license restricted to commission as a reserve peace officer with police powers

8 limited to the commissioning political subdivision;

9 (3) Persons validly licensed on August 28, 2001, may retain licensure
10 without additional basic training;

11 (4) Persons licensed and commissioned within a county of the third
12 classification before July 1, 2002, may retain licensure with one hundred twenty
13 hours of basic training if the commissioning political subdivision has adopted an
14 order or ordinance to that effect;

15 (5) Persons [commissioned and] serving as a reserve [peace] officer on
16 **August 27, 2001**, within a county of the first classification **or a county with**
17 **a charter form of government and with more than one million**
18 **inhabitants** on August [28] **27**, 2001, having previously completed a minimum
19 of one hundred sixty hours of training, shall be granted a license necessary to
20 function as a reserve peace officer **only within such county. For the**
21 **purposes of this subdivision, the term "reserve officer" shall mean any**
22 **person who serves in a less than full-time law enforcement capacity,**
23 **with or without pay and who, without certification, has no power of**
24 **arrest and who, without certification, must be under the direct and**
25 **immediate accompaniment of a certified peace officer of the same**
26 **agency at all times while on duty; and**

27 (6) The POST commission shall provide for the recognition of basic
28 training received at law enforcement training centers of other states, the military,
29 the federal government and territories of the United States regardless of the
30 number of hours included in such training and shall have authority to require
31 supplemental training as a condition of eligibility for licensure.

32 2. The director shall have the authority to limit any exception provided
33 in subsection 1 of this section to persons remaining in the same commission or
34 transferring to a commission in a similar jurisdiction.

35 3. The basic training of every peace officer, except agents of the
36 conservation commission, shall include at least thirty hours of training in the
37 investigation and management of cases involving domestic and family
38 violence. Such training shall include instruction, specific to domestic and family
39 violence cases, regarding: report writing; physical abuse, sexual abuse, child
40 fatalities and child neglect; interviewing children and alleged perpetrators; the
41 nature, extent and causes of domestic and family violence; the safety of victims,
42 other family and household members and investigating officers; legal rights and
43 remedies available to victims, including rights to compensation and the

44 enforcement of civil and criminal remedies; services available to victims and their
45 children; the effects of cultural, racial and gender bias in law enforcement; and
46 state statutes. Said curriculum shall be developed and presented in consultation
47 with the department of health and senior services, the division of family services,
48 public and private providers of programs for victims of domestic and family
49 violence, persons who have demonstrated expertise in training and education
50 concerning domestic and family violence, and the Missouri coalition against
51 domestic violence.

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